

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

PERTORIA, INC.,

Plaintiff,

v.

BOWLING GREEN STATE UNIVERSITY,

Defendant.

Case No. 3:09-cv-02553

Honorable James G. Carr

**NOTICE OF DISMISSAL**

Erik G. Chappell (0066043)  
Benjamin Z. Heywood (0079590)  
Lyden, Liebenthal & Chappell, Ltd.  
5470 Main Street, Suite 300  
Sylvania, Ohio 43560  
Telephone: (419) 867-8900  
Telefax: (419) 867-8909  
Email: [egc@lydenlaw.com](mailto:egc@lydenlaw.com)  
[bzh@lydenlaw.com](mailto:bzh@lydenlaw.com)

William T. Maloney (0014662)  
Maloney McHugh & Kolodgy, Ltd.  
20 North Saint Clair St.  
Toledo, Ohio 43604  
Telephone: (419) 241-5175  
Telefax: (419) 725-2075  
Email: [wmaloney@mmklaw.net](mailto:wmaloney@mmklaw.net)  
*Attorneys for Plaintiff*

NOW COMES Plaintiff, Pertoria, Inc., by and through counsel, and hereby provides notice, pursuant to Fed. R. Civ. P. 41(A)(i), of the voluntary dismissal of its Complaint, without prejudice.

Respectfully submitted,

/s/ Benjamin Z. Heywood

Erik G. Chappell (0066043)  
Benjamin Z. Heywood (0079590)  
Lyden, Liebenthal & Chappell, Ltd.  
5470 Main Street, Suite 300  
Sylvania, Ohio 43560  
Telephone: (419) 867-8900  
Telefax: (419) 867-8909  
Email: [egc@lydenlaw.com](mailto:egc@lydenlaw.com);  
[bzh@lydenlaw.com](mailto:bzh@lydenlaw.com)

and

William T. Maloney (0014662)  
Maloney McHugh & Kolodgy, Ltd.  
20 North Saint Clair St.  
Toledo, Ohio 43604  
Telephone: (419) 241-5175  
Fax: (419) 725-2075  
Email: [wmaloney@mmklaw.net](mailto:wmaloney@mmklaw.net)  
*Attorneys for Plaintiff*

Motion granted.  
So Ordered.

S/ James G. Carr  
Chief Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on February 8, 2010, a copy of the foregoing **Notice of Dismissal** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

Lauren M. Ross, Esq.  
Debra Wehrle, Esq.  
Associate Attorney General, Education Section  
Ohio Attorney General Richard Cordray  
30 E. Broad Street, 16th Floor  
Columbus, OH 43215  
Phone: (614) 644-7250  
Fax: (866) 429-9043  
Email: [lauren.ross@ohioattorneygeneral.gov](mailto:lauren.ross@ohioattorneygeneral.gov);  
[dlwehrle@ag.state.oh.us](mailto:dlwehrle@ag.state.oh.us)

/s/ Benjamin Z. Heywood  
Benjamin Z. Heywood (0079590)